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 FREDERICK LEAVITT

UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	2:17-CR-00391-APG-VCF
)	
Plaintiff,)	
)	STIPULATION AND ORDER TO
v.)	CONTINUE SENTENCING
)	
FREDERICK LEAVITT,)	
)	
Defendant.)	(Sixth Request)
)	

IT IS HEREBY STIPULATED by and between FREDERICK LEAVITT, Defendant, by and through his counsel THOMAS F. PITARO, ESQ. and PAUL PADDA, ESQ., CHRISTOPER CHIOU, Acting United States Attorney, and STEVEN W. MYHRE, Assistant United States Attorney, that the sentencing hearing in the above-captioned matter currently scheduled for December 9, 2021 at the hour of 9:30 a.m., be vacated and continued to a date and time to be set by this Court but not earlier than 60 days. This is the sixth request for continuance of Mr. Leavitt's sentencing date and is entered for the following reasons:

1 1. On March 30, 2020, the Chief Judge for the District of Nevada entered
2 General Order 2020-05, regarding Authorization for Video and Teleconferencing Under the
3 CARES Act and The Exigent Circumstances Created by COVID-19 and Related
4 Coronavirus (hereinafter “General Order”). The General Order addresses the material effect
5 upon the functioning of the Court brought on by the COVID-19 and Coronavirus pandemic
6 and finds, among other things, that for the duration of the General Order, in-person Rule 32
7 felony sentencing hearings cannot be conducted in the District of Nevada without seriously
8 jeopardizing public health and safety. The General Order further provides that Rule 32
9 sentencing hearings may, with the consent of the defendant (upon advice of counsel),
10 proceed by video or teleconference in individual cases, provided that the presiding Court
11 specifically finds that to delay the matter further will cause serious harm to the interests of
12 justice. *See also* CARES ACT, H.R. 748, Public Law No. 116-136. On June 25, 2021, the
13 Chief Judge extended the General Order to remain in effect until September 27, 2021, unless
14 terminated earlier.

15 2. Defendant Leavitt continues to desire an in-person Rule 32 sentencing
16 hearing and the parties agree that further delay to accommodate an in-person hearing will
17 not cause serious harm to the interests of justice.

18 3. A continuance is requested for the additional reason that defendant Leavitt is
19 scheduled to undergo medical treatment at the Mayo Clinic during the month of December
20 due to existing medical conditions. A continuance will accommodate defendant Leavitt’s
21 medical procedure.

22 4. Mr. Leavitt’s surgery is expected at the Mayo Clinic in Phoenix on December
23 10, 2021.

24 5. Mr. Leavitt’s surgery is set for December 13, 2021.

25 6. Mr. Leavitt is expected to need time to recover from the surgery.

26 7. The Government agrees to the continuance.

27 8. Defendant Leavitt is out on Pretrial Release and does not object to the
28 continuance.

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 UNITED STATES OF AMERICA,)
5)
6 Plaintiff,) 2:17-cr-000391-APG-VCF
7)
8 v.) **ORDER**
9)
10 FREDERICK LEAVITT,)
11)
12 Defendant.)
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1 This matter coming on the parties' Stipulation and Order to Continue Sentencing, the
2 Court having considered the premises therein, and good cause showing, the Court accepts
3 the Stipulation of the parties and finds as follows:
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- 5 1. Sentencing in this matter is presently set for December 9, 2021.
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7 2. For the reasons set forth in the Stipulation, the defendant has requested a
8 continuance of the sentencing hearing until after sixty days.
9
10 3. Defendant Leavitt is not in custody.
11
12 4. The government agrees to the continuance request set forth in the
13 Stipulation.
14
15 5. Based on the agreement of the parties and for all the reasons stated in the
16 Stipulation, the Court finds that a continuance of the sentencing hearing is appropriate.
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18 Accordingly:
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- 20 1. The Rule 32 sentencing hearing set for **December 9, 2021**, is hereby
21
22 **VACATED** and **CONTINUED**; and
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IT IS SO ORDERED this 2nd day of December 2021:

